

U.S. Application No. 09/978,159
Amendment dated December 19, 2003
Reply to Office Action dated June 20, 2003

REMARKS/ARGUMENTS

Reconsideration and continued examination of the above-identified application are respectfully requested.

The amendment to the claims is editorial in nature and/or further defines what the applicants regard as the invention. Full support for the amendment can be found throughout the present application, including the claims as originally filed, for instance, at pages 12 and 23. Accordingly, no questions of new matter should arise and entry of the amendment is respectfully requested.

Claim 1-46 are pending in the application. Claims 29, 30, and 40-45 have been withdrawn as the result of an earlier restriction requirement. The Examiner indicates that claims 1-28, 31-33, 38, 39, and 46 are allowed.

At page 2 of the Office Action, the Examiner sets forth the reasons for not rejoining the Group III subject matter with the subject matter of Groups I and II. Thus, the Examiner states that claims 29, 30, and 40-45 are drawn to non-elected claims.

At page 2 of the Office Action, the Examiner rejects claims 34-36 under 35 U.S.C. §102(b) as being anticipated by Cassella, Jr. (U.S. Patent No. 3,784,400). According to the Examiner, claims 34-36 of the present application relate to a leather-treating composition having at least one hydrocarbon-substituted carboxylic acid anhydride or the alkali acid salt thereof. The Examiner then asserts that Cassella, Jr., in the abstract; and at column 3, line 63 - column 4, line 40, describes a composition useful for leather treatment containing alkenyl succinic acid or succinic acid anhydride, sulfated fatty oil, an amide, and water. Accordingly, the Examiner concludes that claims 34-36 of the present application are anticipated by Cassella, Jr. For the following reasons, this rejection is respectfully traversed.

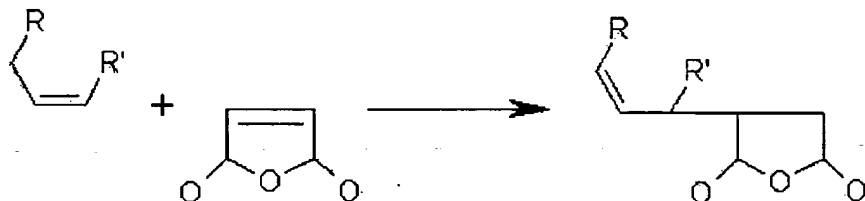
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Claim 34 of the present application recites a leather-treating composition comprising at least one alpha-olefin substituted carboxylic acid anhydride or the alkali salt thereof.

Cassella, Jr. relates to a fatliquor composition useful for leather treatment having a mixture of alkenyl substituted succinic acid or succinic acid anhydride, sulfated fatty oil, and an amine or amide. According to Cassella, Jr., at Example 1, morpholine is mixed with alkenyl succinic acid anhydride and sulfated sperm oil. According to Cassella, Jr., at column 4, lines 22-25, one step of the process is to contact the leather, which has previously been treated with a lubricant composition, with a chromium coordination complex of a branched perfluoroalkyl acid.

The composition of Cassella, Jr. does not teach or suggest having an alpha-olefin substituted carboxylic acid. The polymer of Cassella, Jr. is a derivative of an alkene with maleic anhydride (or acid) to form alkenyl succinic anhydride (ASA), which is not a polymer. In Cassella, Jr., the hydrocarbon, as indicated by R and R¹ in the reaction below, is attached to the succinic acid. In contrast, the polymer of the claimed invention is preferably a copolymer of maleic anhydride and an alpha-olefin. Thus, the alpha-olefin is copolymerized with maleic anhydride, which, as indicated below, forms a very different composition than the composition of Cassella, Jr.

Reaction of Cassella, Jr. - ASA.

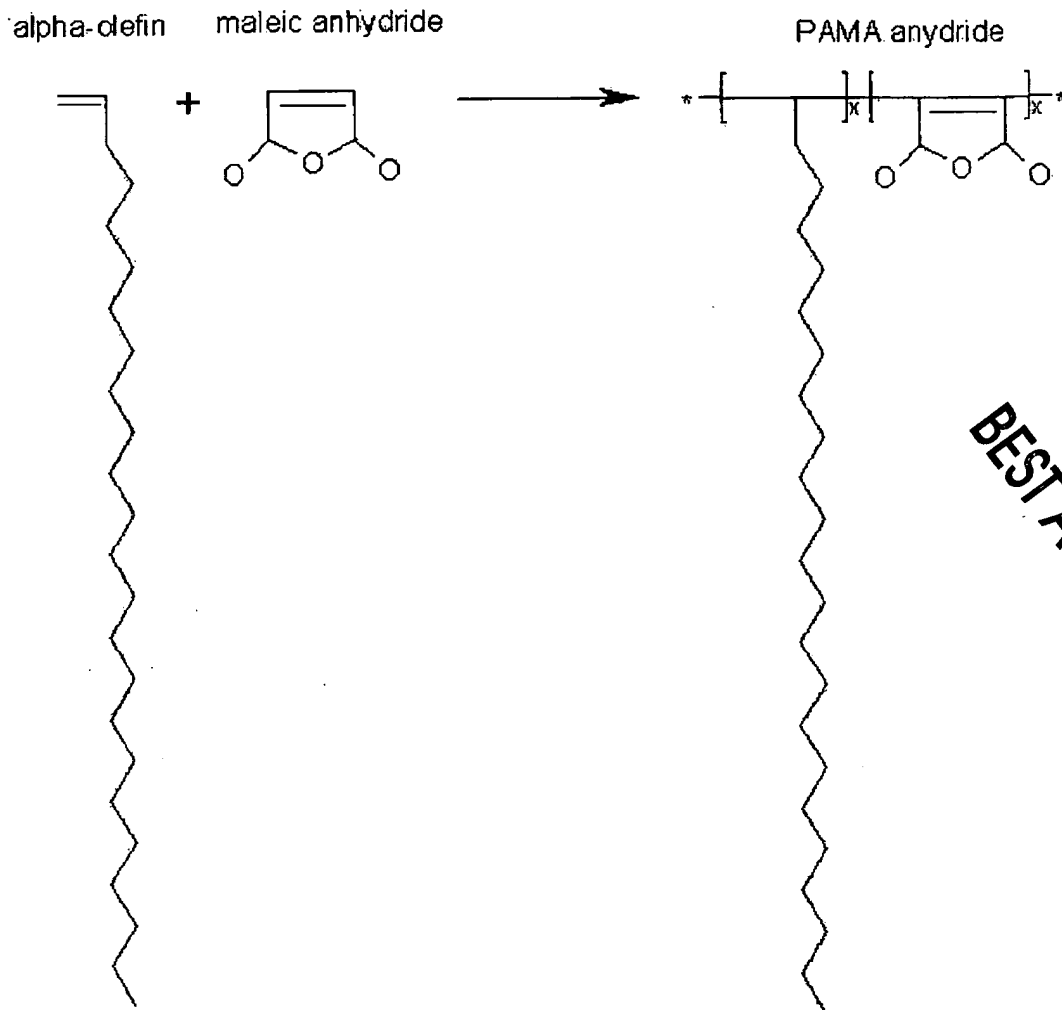


ASA (alkenyl succinic anhydride)

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Exemplary reaction according to claim 34 of the present application.



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Claims 35 and 36 are directly dependent on claim 34. Therefore, the reasons set forth above with respect to the patentability of claim 34 would also apply here. Accordingly, the rejection under 35 U.S.C. §102 (b) over Cassella, Jr. should be withdrawn.

At page 3 of the Office Action, the Examiner rejects claim 37 under 35 U.S.C. §102(b) as being anticipated by Birkhofer et al. (U.S. Patent No. 5,433,752). The Examiner asserts that claim 37 relates to a leather-treating composition having an aqueous solution of

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an alkaline salt of an alpha-olefin substituted-maleic acid copolymer or an alkali salt of a styrene-maleic acid copolymer. The Examiner further asserts that Birkhofer et al., at column 6, line 54 – column 9, line 20, describes a composition containing maleic anhydride copolymer. According to the Examiner, Birkhofer et al. clearly indicates that the composition is aqueous and alkaline. Therefore, the Examiner concludes that Birkhofer et al. describes each of the limitations recited in claim 37 of the present application. For the following reasons, this rejection is respectfully traversed.

Claim 37 of the present application recites a leather-treating composition comprising an aqueous solution of an alkali salt of an alpha-olefin substituted-maleic acid copolymer.

Birkhofer et al., at column 2, lines 39-41, states that suitable C₂- to C₆- olefins are in particular straight-chain or branched mono-olefins, in particular alpha-olefins. Furthermore, Birkhofer et al. at column 3, lines 22-39, states that modification of the properties of the polymers is possible by adding small amounts of further monomers copolymerizable with the monomers, such as C₁₀- to C₂₀-alpha-olefins. However, Birkhofer et al. does not teach or suggest a leather-treating composition containing an aqueous solution of an alkali salt of an alpha-olefin substituted-maleic acid copolymer. Accordingly, the rejection under 35 U.S.C. §102(b) over Birkhofer et al. should be withdrawn.

At page 4 of the Office Action, the Examiner indicates that claims 1-28, 31-33, 38, 39, and 46 are allowed. The applicants and the undersigned appreciate the indication of the allowed subject matter. The applicants believe that the comments set forth above should convince the Examiner that the rest of the claims are allowable as well.

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If the Examiner agrees in the allowability of all claims, then the Examiner is respectfully requested to rejoin the non-elected subject matter since the leather is treated with these compositions.

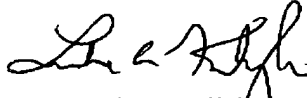
Finally, the undersigned notes that a Supplemental Information Disclosure Statement was filed on August 25, 2003. Consideration of the IDS is respectfully requested.

CONCLUSION

In view of the foregoing remarks, the applicants respectfully request the reconsideration of this application and the timely allowance of the pending claims.

If there are any other fees due in connection with the filing of this response, please charge the fees to Deposit Account No. 50-0925. If a fee is required for an extension of time under 37 C.F.R. §1.136 not accounted for above, such extension is requested and should also be charged to said Deposit Account.

Respectfully submitted,



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